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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,916	07/25/2003	David Wei Wang	68.0345	2409

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT PAPER NUMBER

3672

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/626,916

Applicant(s)

WANG ET AL.

Examiner

Jennifer H. Gay

Art Unit

3672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


Jennifer H. Gay
Primary Examiner
Art Unit: 3672

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument with regards to the drawing objection is considered to be persuasive. With regards to applicant's arguments against the 35 USC 103 rejection of claims 1-8 and 10-13, the examiner disagrees with applicant's arguments. First, it is again repeated that the examiner has not indicated that Whitlock et al. teaches interlocking the fibers of the layers of mesh but has relied upon Mutzenberg et al. to teach this. Second, the examiner maintains the position that the motivation provided in column 1, lines 48-56 of Mutzenberg et al. teaches that it would have been obvious to combine the two references. While the examiner recognizes that Mutzenberg et al. is not concerned with wellbore screens, the reference still teaches that it is well known to interlock the fibers of layers of a mesh material to form a mechanically strong material. The fact that Mutzenberg et al. is forming a mat with a granular sorption agent between the layers thereof does not negate that fact that the layers are needed together nor the motivation to do so. When looking to form a multi-layer mesh screen for any purpose, one of ordinary skill in the art would naturally look to other multi-layer mesh material to see how best to form the material of the screen. With regards to applicant's arguments against the rejection of claims 5 and 6, the examiner first notes that the mesh medium would be a tubular as the tool itself is a tubular. Second, the passage cited in the previous Office Action not only indicates that the filter body could be formed as a wire mesh body but that the filter body and all of its components, which include the mesh layers, could be formed as a unitary body thus indicating that the tubulars forming the filter body, this includes the mesh layers, would be seamless. With regards to applicant's arguments against the rejection of claims 8 and 10, while the examiner recognizes that passages from the references themselves have not been used to reject claims 8 and 10, the rationale used to reject the claims is not a general assertion but rather a statement of scientific and physical fact. Porosity of a material is directly related to the size, or diameter, of the particles making up the material and the size or diameter is directly related to the size and number of openings between the particles of the material. The larger the particles used the greater the size of the openings therebetween but the fewer openings there would be in a given space. The smaller the particles used the smaller the size of openings but the number of openings would increase for the same given space. Therefore, determining the porosity from the diameter or thickness of the fibers of the mesh and the number of openings, which is related to the diameter or thickness, is well within the skill of one of ordinary skill in the art. With regards to applicant's arguments against the rejection of claim 11, the examiner notes that element 21 is considered a "structure" as it is separate from the mesh layers and the base pipe. The claim merely requires a structure that covers the base pipe and is covered by the mesh layers; element 21 meets this criteria. With regards to applicant's arguments against the rejection of claim 21, the examiner notes that Bayne et al. was used merely to teach an intelligent completion device within a screen which Bayne et al. does teach in paragraphs [0032] and [0036]. The fact that Bayne et al. does not teach that the screen is a mesh screen does not negate the teaching of a completion device being located within a screen..